

## REMARKS

Reconsideration of the present application is respectfully requested. Claims 8-32 were pending. Claims 8-12, 14-15, 17-21, 23, 28-32 have been amended. Claim 16 has been cancelled without prejudice. New claims 33-38 have been added. Claims 8-15 and 17-37 are currently pending.

### Examiner Interview

Applicant wishes to thank the Examiner for the telephonic interview conducted on July 6, 2007. During the interview, Representative of Applicant and the Examiner discussed the rejection of claim 8 under 35 U.S.C. § 103(a) and the reference cited against claim 8, namely, Modiano et al. ("Design and analysis of an asynchronous WDM local area network using a master/slave scheduler"). Representative of Applicant and the Examiner further reviewed the Specification of the present application and discussed subject matter that may potentially patentably distinguish the present invention from Modiano. No agreement was reached.

### 35 U.S.C. § 103(a) Rejections

Claims 8-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Modiano et al. ("Design and analysis of an asynchronous WDM local area network using a master/slave scheduler", hereinafter "Modiano") in view of Gehlhaar et al. (US

Patent No. 5,892,916; hereinafter "Gehlhaar"). Applicants respectfully traverse the rejections.

Claim 8 as amended sets forth:

transmitting a control packet over a control channel of the WDM network, the WDM network comprising a scheduler, a data channel, and a plurality of nodes, each of the plurality of nodes coupled to the control channel and the data channel, the control packet specifying a first one of the plurality of nodes in the network as a source node, a second one of the plurality of nodes in the network as a destination node, a value which corresponds to an amount of information which the source node can transmit, and **a preview of a second control packet;**

(Claim 8 as amended; emphasis added)

In contrast, neither Modiano nor Gehlhaar, alone or in combination, teaches at least the above limitation of claim 8. Modiano discloses the use of a **look-ahead window** (Modiano, p. 904, second column, first paragraph, Tables 1-2). Specifically, the algorithm in Modiano may *look-ahead into each input queue and schedule requests that are not necessarily at the head of their queue* (Modiano, p. 904, first column, lines 1-5). Modiano does not teach specifying any look-ahead information in their control messages, let alone transmitting a control packet specifying a **preview** of a second control packet.

Further, the other cited reference, Gehlhaar (US 5,892,916) fails to teach the above limitation as well. According to Gehlhaar, when a network manager sends a message to a network element, the network manager must wait for a response (Gehlhaar, col. 3, ln. 11-12). Gehlhaar does not teach a control packet specifying a preview of a second control packet.

Since neither Modiano nor Gehlhaar, alone or in combination, teaches the limitation of claim 8 as amended set forth above, claim 8 as amended is patentable over Modiano in view of Gehlhaar. Withdrawal of the rejection is respectfully requested.

For reasons similar to those discussed above with respect to claim 8, claims 23, and 28, are also patentable over Modiano in view of Gehlhaar. Withdrawal of the rejection is respectfully requested.

Claims 9-22, 24-27, and 29-30 depend, directly or indirectly, from claims 8, 23, and 28, respectively. Thus, having additional limitations, claims 9-22, 24-27, 29-30, and 32 are patentable over Modiano in view of Gehlhaar. Withdrawal of the rejection is respectfully requested.

Claim 31 as amended sets forth:

scheduling packet transmissions over a control channel and a data channel using a scheduler in a wavelength division multiplexed (WDM) network, the WDM network comprising the scheduler, a plurality of nodes, and a plurality of **unidirectional optical paths** coupling the scheduler and the plurality of nodes to each other,  
(Claim 31 as amended; emphasis added)

In contrast, neither Modiano nor Gehlhaar, alone or in combination, teaches a plurality of **unidirectional** optical paths. The paths between the scheduler and the OTs in Modiano are **bidirectional** (Modiano, Figure 1). Likewise, the path between the network manager 106 and the network element 108 in Gehlhaar is also **bidirectional** (Gehlhaar, Figure 7, reference numerals 710 and 714). Therefore, neither Modiano nor Gehlhaar, alone or in combination, teaches a plurality of unidirectional optical paths coupling the scheduler and the plurality of nodes to each other. For at least this reason,

claim 31 as amended is patentable over Modiano in view of Gehlhaar. Withdrawal of the rejection is respectfully requested.

Claim 32 depends from claim 31, and thus, is patentable over Modiano in view of Gehlhaar for at least the reason discussed above with respect to claim 31. Withdrawal of the rejection is respectfully requested.

#### New Claims 33-38

New claims 33-35 depend from claims 31 and 8, respectively. Thus, new claims 33-36 are patentable over Modiano in view of Gehlhaar for at least the reason discussed above with respect to claims 31 and 8, respectively. Allowance of new claims 33-36 is earnestly solicited.

New independent claim 37 recites:

receiving a first control packet over a control channel of a wavelength division multiplexed (WDM) network, the first control packet specifying a first one of a plurality of nodes in the WDM network as a source node, a second one of the plurality of nodes in the WDM network as a destination node, a value which corresponds to an amount of information which the source node can transmit, and **a preview of a second control packet;**  
(New claim 37; emphasis added)

In contrast, the cited references, alone or in combination, fail to teach at least the above limitation. Modiano merely discloses the use of a look-ahead window (Modiano, p. 904, second column, first paragraph, Tables 1-2). Modiano does not teach a control packet specifying a preview of a second control packet.

The other reference, Gehlhaar also fails to disclose the above limitation. According to Gehlhaar, when a network manager sends a message to a network element, the network manager must wait for a response (Gehlhaar, col. 3, ln. 11-12).

Gehlhaar does not teach a control packet specifying a preview of a second control packet.

Since neither Modiano nor Gehlhaar, alone or in combination, teaches the limitation of claim 37 set forth above, claim 37 is patentable over Modiano in view of Gehlhaar. Allowance of claim 37 is earnestly solicited.

Claim 38 depends directly from claim 37, and thus, is allowable for the reason discussed above with respect to claim 37. Allowance of claim 38 is earnestly solicited.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited.

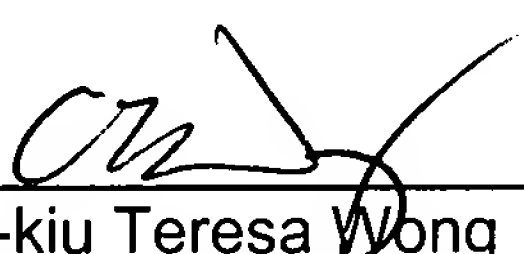
If the Examiner perceives any further obstacle to allowing the present application, he is invited to contact the undersigned at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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